

FCC MAIL SECTION

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Before the
Federal Communications Commission
Washington, D.C. 20554

DISPATCHED BY

MM Docket No. 93-114 ✓

In the Matter of

Review of the Commission's
Rules Governing the Low Power
Television Service

RM-7772

NOTICE OF PROPOSED RULEMAKING

Adopted: April 9, 1993;

Released: April 22, 1993

Comment Date: June 18, 1993

Reply Comment Date: July 16, 1993

By the Commission: Commissioner Marshall not participating.

1. We institute this proceeding, partly on our own motion, and partly in response to a Petition for Rulemaking filed by the Community Broadcasters Association (CBA). We propose to amend our rules and policies for the low power television service (LPTV) in three respects. First, due to recent favorable changes in the volume and quality of applications to construct low power television stations, television translator facilities and television boosters, we now believe it is appropriate to reexamine our rules concerning the acceptance and amendment of applications for this service, including the expansion of our waiver policy regarding terrain shielding. Second, the improved processing climate also enables us to reevaluate our rules for station modifications with the aim of facilitating the construction and operation of stations in this service. Finally, in response to concerns voiced by the CBA, we consider proposals that would permit LPTV operators to request the use of standard broadcast call signs.¹

¹ The CBA's petition was filed on June 11, 1991, and was placed on an August 13, 1991, Public Notice (RM-7772). In response, we received approximately 30 comments and reply comments. The CBA's petition also included proposals that would allow low power television stations which meet certain requirements to be called "community television stations," to operate with increased power and to be treated similarly to conventional stations with respect to nonengineering rules. These proposals do not warrant further consideration at this time.

² See *Low Power Television Report and Order* ("LPTV Report and Order"), 51 RR 2d 476 (1982), on recon., 53 RR 2d 1267 (1983). See also *Rochelle C. Salzer*, 99 FCC 2d 331 (1984), *aff'd sub nom.*, *Salzer v. FCC*, 778 F.2d 869 (D.C. Cir. 1985).

³ Originally, we employed a cut off list procedure, similar to that used in the conventional television service, for the filing of

Application Acceptance Standard

2. Since the inception of the low power television service in 1982, our staff has processed low power television applications using a strict approach known as the "complete and sufficient" acceptance standard.² In this *Notice*, we recognize that the volume of low power television applications has decreased and the quality of those applications improved. As a result of these changes, we believe that a more lenient standard may now be appropriate.

3. Under the present procedure, the Commission announces a "filing window" during which it receives applications for new construction permits and major changes in existing facilities.³ See 47 CFR Section 73.3572(g). While the filing window is open, applicants may amend their applications at will. However, upon the close of the filing window, further opportunity to amend is extremely limited. Under the complete and sufficient acceptance standard, applications must be "letter perfect" at the close of the window, or they are returned as defective. See 47 CFR Section 73.3564(a). Moreover, under our current policy, amendments after the close of the window are not permitted for the purpose of curing a defective application. Accordingly, applicants who have their applications returned must wait until a subsequent filing window to resubmit their application, assuming, of course, that the proposed facility would be acceptable at that time.

4. At the time we adopted the complete and sufficient acceptance standard, there were thousands of applications on file for low power television stations, and thousands more were expected.⁴ In light of this fact, we stated that the Commission's limited resources and the large number of applications would not permit the staff to "coach applicants in correcting defects or omissions in applications."⁵ Further, at that time we had large groups of mutually exclusive applications.⁶ Each change in technical information often required repeated processing of all mutually exclusive applications in a group, not just the application to be amended. Therefore, it was necessary to establish a system of processing applications whereby the staff could easily determine which applications were acceptable and which were not. Accordingly, we stated that there would be "strict standards for the acceptance of applications" and those not meeting this test would be returned with no opportunity to correct the defect.⁷

5. We believe that the complete and sufficient standard has now achieved its intended purpose. It has encouraged applicants to submit complete and carefully prepared applications. By significantly improving administrative effi-

low power television applications. However, due to the large volume of applications which had been filed, we established the filing window procedure in *Low Power Television and Television Translator Service* ("Filing Windows"), 102 FCC 2d 295 (1984), providing for a fixed period during which applications may be submitted.

⁴ Subsequently, the volume of applications grew much greater. At the beginning of 1984, we had on file approximately 12,000 applications. Following the issuance of what was to become the Commission's final cutoff list for low power television applications in 1984, nearly 25,000 applications were filed, bringing to almost 40,000 the number of applications on file.

⁵ *LPTV Report and Order*, at 502.

⁶ Mutually exclusive applications are resolved through a lottery. See *Random Selection Lotteries*, 93 FCC 2d 952 (1983).

⁷ *LPTV Report and Order*, at 501-2.

ciency, the strict acceptance standard permitted the processing of the substantial number of LPTV applications that were filed during the early and mid 1980's.

6. Application receipts and backlogs in the LPTV service have decreased dramatically and are now at manageable levels.⁸ Further, less than twenty percent of the total number of applications received in our six national filing windows were mutually exclusive so as to require selection of permittees by lottery.⁹ Because of these changed circumstances, we tentatively believe that we can now institute a more flexible processing system without causing delays in application processing and in the introduction of service to the public. Accordingly, we propose to modify our rules to provide a more lenient standard for acceptance and amendment of low power television applications.¹⁰

7. Under our proposal, we would continue to accept applications during filing windows. At the close of the window, the staff would continue to give public notice of those applications timely received in the filing window. However, placement on this notice would not constitute formal acceptance of an application. The staff would then begin its initial review of the applications. We propose that the applications be judged under a "substantially complete" standard. Those not meeting this standard would be returned to applicants, with no opportunity to seek reinstatement on the basis of an amendment. Under this approach, which has long been used in processing conventional television applications, applications are considered in compliance with the substantially complete standard, if they are not patently defective. See *K & L Communications, Inc.*, 70 FCC 2d 1987 (1979); *Racine Telecasting Co.*, 51 RR 2d 1205 (1982); *George E. Oleson*, 5 FCC 2d 58 (1966), *recon. denied*, 6 FCC 2d 502 (1967). This standard generally does not focus on the importance of a particular omission, but on the cumulative impact of all the omissions. *Henry M. Leshner*, 67 FCC 2d 1593 (1977). Our experience since the limitation of application filings to strict window periods and the revision of the low power television application to its present form has shown that few applications contain defects which would require return under the substantially complete standard. We invite comment on our proposal to apply a "substantial completeness" test and on what, if any, additional criteria we should adopt in the context of the low power television service.

8. Under our proposed approach, applications found to be substantially complete, but containing defects or omissions, would not be returned. Rather, applicants in this situation would be given an opportunity to cure application defects. If the defect were to prevent the staff from further processing the application, a deficiency letter would be issued affording the applicant 30 days to correct the

defect. If, however, the defect did not prevent the staff from processing the application further, the staff would not send a deficiency letter until it completed pre-acceptance studies on the application, or until a subsequent defect prevented further processing. At that point, the staff would inform the applicant of all the defects, and afford the applicant 30 days to correct them. If the defects were not corrected within 30 days, the application would be returned with no further opportunity to amend. Thus, under this proposal, applicants would be afforded one 30-day period to cure the defects identified in each deficiency letter.¹¹

9. If the defect involved a violation of the LPTV interference protection standards,¹² the applicant would have 30 days to resolve all predicted interference conflicts identified in a deficiency letter. Further, any amendment submitted to correct a defective application must be a minor amendment,¹³ and otherwise acceptable in all respects.¹⁴ We propose to enforce strictly the 30-day period which we are affording applicants to cure the defects in their applications. Applications, as amended to correct all defects identified by the staff, would then be listed on a public notice as "Accepted for Filing"; this would either be in the form of a lottery announcement notice, or in the case of non-mutually exclusive applications, a "proposed grant list." We note here that application deficiencies can arise after an application has been accepted for filing, either through inadvertence, or because the deficiency is not related to the acceptance standards, such as a determination that the proposed facility would cause a hazard to air safety. Under our proposal, the same policies and procedures would govern correction of deficiencies identified in the post-acceptance stage of the application process as apply at the pre-acceptance stage.

10. A possible alternative to the approach outlined above would be a mid-level acceptance standard which is not as lenient as substantially complete, but less strict than the present complete and sufficient standard. Under this hybrid approach, applications would, of course, be returned for deficiencies which would fail the substantial completeness test, set forth in paragraph 7, *supra*. In addition, this standard would mandate dismissal, without an opportunity for a correcting amendment, for certain specified defects. Thus, this approach would require specification of the defects which are considered so serious or time-consuming that correction should not be allowed. For instance, applications which do not meet the interference protection standards or which contain defects in data involved in the determination of field strength contours would generally require repeated processing if they were to be corrected. Allowing these types of corrections could, in some instances, require more staff time and might possibly delay

⁸ We now have approximately 535 applications pending, the majority of which are located near the Mexican border and have been awaiting coordination with the Mexican Government. During each window we receive approximately 800 to 1200 applications.

⁹ The number of applications within each mutually exclusive group has also decreased considerably. For instance, the average number of applications within each lottery group is now two or three.

¹⁰ We note that a similar reduction in the volume of commercial FM applications we receive has resulted in our recent modification of the strict "hard look" acceptance standard which had been used in that service. See *Report and Order, Amendment of Part 73 of the Commission's Rules to Modify*

Processing Procedures for Commercial FM Broadcast Stations ("FM Report and Order"), 7 FCC Rcd 5074 (1992).

¹¹ This assumes, of course, that any subsequent defect is not a result of the applicant's failure to amend the application properly after receiving the prior deficiency letter.

¹² See 47 CFR Sections 74.705, 74.707 and 74.709.

¹³ See 47 CFR Section 73.3572(a).

¹⁴ For instance, if the amendment eliminated the predicted interference which rendered the application defective, but resulted in predicted interference to another existing station or an earlier-filed application, the amendment would not be acceptable and the application would be dismissed without further opportunity to amend.

initiation of service. At the other end, non-technical defects which are apparent from the four corners of the application are readily identifiable by the staff and often easily correctable by applicants. We request comments on the feasibility of such an acceptance standard in the LPTV service. We also welcome comments on approaches for defining the standard and for categorizing defects pursuant to this type of standard.

11. While we propose a more lenient standard with respect to corrective amendments, we would by no means permit such amendments for every type of defect that might arise. An application which is not substantially complete could not be cured by an amendment. Moreover, an application which has an improper fee payment or is untimely filed cannot be cured by an after-the-fact submission. See, e.g., 47 CFR Section 1.1107(b).

12. For the same reasons which permit us to relax the acceptance standard for applications in the low power television service, we believe we can also remove the current restrictions regarding our acceptance of waiver requests based on terrain shielding.¹⁵ Pursuant to *Commission Policy Regarding Terrain Shielding* ("Policy Statement"), 3 FCC Rcd 2664 (1988), recon. granted in part, 3 FCC Rcd 7105 (1988), the Commission waives its interference protection rules when it is apparent that, due to intervening terrain, interference to another facility would not be caused by an applicant's proposed operation. However, under our present policy, we limit consideration of waivers based on terrain shielding to applications that are not mutually exclusive with any other application submitted during the same filing window. We now believe, however, that we may be able to consider a wider range of waiver requests without sacrificing undue staff resources. Accordingly, we propose to no longer limit consideration of terrain shielding to those applications which are not mutually exclusive with other applications. In addition, we propose to extend our waiver policy by permitting applicants to consider terrain shielding as a basis for resolving situations of mutual exclusivity. Further, we propose to consider terrain shielding when raised for the first time by applicants in amendments responding to deficiency letters.

13. Our *Policy Statement* provides guidelines for demonstrating that, due to terrain shielding, a proposed facility would not be likely to cause interference to authorized broadcast stations. Basically, two methods are available to applicants: (1) letters of assent from potentially affected stations, agreeing that terrain shielding would prevent interference, but without surrendering the right to be protected against any actual occurrence of such interference, or (2) submission of detailed terrain profiles. We believe that these guidelines could also be used as a basis for waiver requests, seeking to resolve predicted interference conflicts between applications determined to be mutually exclusive before accounting for the effects of terrain. Accordingly, we propose to allow applicants to submit detailed terrain profiles for this purpose, prepared in the manner specified in the *Policy Statement*. We would also consider permitting applicants to resolve this exclusivity

condition by mutual agreement that interference between two proposed facilities would not be likely due to terrain shielding. In these situations, we would not hold either applicant responsible for eliminating any interference that might occur to the other, but would expect the parties to cooperate in this regard.

14. We solicit comments on our proposals regarding application acceptance and terrain shielding waivers. We seek comment on alternative approaches for flexible acceptance standards for applications that would be consistent with the twin goals of application quality and processing efficiency. In addition, we solicit comments on the practicality of allowing applicants to amend applications which are defective due to predicted interference, and whether there are better alternatives to the approach we have outlined above. Further, we ask for comments on our proposals to extend our terrain shielding waiver policy.

Modification of Facilities

15. The Commission's rules define certain modifications to authorized facilities as major changes. See 47 CFR Section 73.3572(a). In the case of stations in the low power television service, major changes generally include changes in frequency (output channel),¹⁶ operating power, transmitting antenna system, antenna height and antenna location exceeding 200 meters. However, such changes, except for a change in frequency, are not considered major if the resulting signal range of the station would not increase in any horizontal direction. In other words, changes in facilities are considered to be "minor", provided that the station's protected service contour, as modified, lies completely within its unmodified service contour.¹⁷ Our experience with the service, however, has shown that the major change rule definition is very restrictive. Major changes were defined in a broad manner when we established the low power television service in 1982 in order to exercise strict control over the parameters of these applications. Due to the volume of pending applications and the newness of the service, we wished to limit severely the kinds of changes that could be considered minor. In view of our experience, however, we believe that we can more precisely define the rule. We believe that the technical modifications we are proposing to allow are, indeed, minor with respect to the rights of other operators and the public. A comparison with the scope of allowable minor changes in other broadcast services supports this view.

16. Accordingly, we now propose to narrow the types of changes that would be considered "major" in the LPTV service. See 47 CFR Section 73.3572(a)(2). Generally, we propose that any change or combination of changes in the transmission system of a low power television, television translator or television booster station, other than a change in output channel, would not be considered a major change provided: (1) the changed facility would fully comply with the low power television interference protection standards,¹⁸ (2) the minor change application would not be mutually exclusive with any earlier-filed application and (3) the station's protected service contour ("footprint") re-

¹⁵ The term "terrain shielding" is commonly used to describe signal blockage by a substantial terrain obstruction. In contrast, the term "terrain roughness" generally involves the consideration of above average attenuation, as opposed to blockage, due to terrain irregularities.

¹⁶ A change in frequency offset designation (plus, minus, zero

or none) involves frequency changes within a broadcast channel and is, therefore, not considered a major change.

¹⁷ See 47 CFR Section 74.707(a) for a definition of LPTV protected contours.

¹⁸ 47 CFR Sections 74.705, 74.707 and 74.709.

sulting from the change would be suitably bounded. Presently, minor changes are bounded by a station's existing footprint; that is, the protected contour before the change. There are different ways in which the bounding criterion could be expanded to afford licensees and permittees increased flexibility to effect minor facilities changes. One such way would confine a station's modified footprint within a "bounding circle" centered at the existing antenna site coordinates. The radius of this circle would equal the largest distance from that site to the station's existing protected contour.¹⁹ To illustrate, suppose a licensee wished to move its antenna site from point A to point B, and that the existing protected contour extended a maximum distance of 15 kilometers from point A. The changes involved in moving the facility to point B would be considered minor changes, *provided*, the new protected contour would be contained within a circle centered at point A (the old site) and having a radius of 15 kilometers (the maximum distance between the original site and protected contour). We find this approach appealing because it would facilitate changes to stations using directional antennas, thereby potentially benefitting the majority of stations in the LPTV service. Broadening the minor change allowance in this manner would permit these station operators more latitude to relocate sites or alter antenna systems without having to await a filing window, but would still preclude substantial changes in technical facilities.

17. Under our proposal to enlarge the bounds of minor changes, stations using directional antennas would be permitted to increase the extent of their footprints in particular directions. The LPTV interference protection standards would subsequently be applied to the larger service contour due to the minor change; the bounding circle itself would not be protected against interference. As a result, situations could arise where minor change applications, which may be filed outside of windows, might become entangled in interference conflicts with later-filed applications; for example, "new and major change" applications tendered in a filing window. In order to continue authorizing minor changes relatively quickly, we wish to prevent such applications from being mutually exclusive and involved in the lottery process. Therefore, we propose to consider minor change applications cut off on the date filed.²⁰ We recognize that this policy could adversely affect some prospective applicants whose later-filed application proposals might conflict with and be considered untimely filed to a minor change application having cut off status. Moreover, prospective applicants, at the time they file their applications, might have no way of knowing that a minor change application had been filed earlier; for example, shortly before the opening of a filing window. As a result, an applicant might design a proposed facility to avoid prohibited signal contour overlap within the existing protected contour of another facility, but would not anticipate such overlap within the latter facility's slightly larger protected contour, resulting from its pending minor change application. However, we believe that there would be relatively few such situations and that, ordinarily, these could be resolved through minor amendments. Our proposed revision to the LPTV application acceptance standard would permit such amendments to applications identified as un-

timely filed to other applications. Nevertheless, we propose to delay implementation of our broader allowance for minor changes until after the close of the first LPTV filing window following any adoption of these proposals. This would allow interested parties one opportunity to file applications for facilities which have already been planned in reliance on the present minor change criteria. Further, it would afford parties an opportunity to anticipate the adverse effects, if any, of a broader minor change rule in considering applications to be filed in later windows.

18. We propose to permit minor change applications to be filed during LPTV filing windows, despite the possibility that such applications could become mutually exclusive with other applications filed in the window. Thus, such minor change applications would require special handling. Our staff would determine whether the minor change would increase the extent of a station's protected contour in a horizontal direction. If so, processing of the minor change application would be deferred until the staff could determine whether that application would be mutually exclusive with any acceptable application filed in the window. In that event, the minor change application would be reclassified as a major change application and processed accordingly. We would consider these applications to be cut off from competing applications on the last day of the filing window.

19. We propose to limit the applicability of the broader minor change allowance to applications seeking minor changes in authorized facilities. Specifically, the broader allowance would be used only for the purpose of determining whether an application proposing facilities changes would qualify as a "minor change" application that could be filed outside of an application filing window. For all other purposes, including amendments to pending applications, the present bounding criteria for minor changes would continue to apply. By proceeding in this manner, station licensees and permittees would have increased opportunities to effect minor changes in their facilities without having to await a filing window, our motivation for proposing the broader allowance. Conversely, we would avoid any serious disruption of application processing which, we believe, could result if the allowance were permitted in connection with amendments to pending applications. After we have gained some experience with the broader minor change allowance, we would consider extending its applicability should circumstances so warrant.

20. We invite comments on our proposal to amend the definition of major facilities changes in the low power television service. In particular, we seek comment on whether the present distinction between major and minor changes should be modified and on alternative means for accomplishing this, including our suggested approach. Further, we ask for comment on our proposals to cut off minor change applications on the date filed and to reclassify minor change applications as "major" in the event these become mutually exclusive with applications received in filing windows. Finally, we ask whether the proposal should be limited in scope, as we have suggested, or also applied in connection with minor amendments to pending applications.

¹⁹ The present and proposed methods for bounding minor facilities changes are illustrated in Appendix B.

²⁰ In this vein, our proposed policy would be similar to the

manner in which we handle applications for "displacement relief" for the low power television service. See 47 CFR Section 73.3572.

Call Signs

21. In its petition, the CBA states that low power television stations have difficulty achieving recognition of their actual audience levels because viewers are not accustomed to the five alpha-numeric character call sign employed in this service; for example, K23EF.²¹ As a result, the CBA argues, the public does not accurately report the viewing of LPTV stations in ratings diaries. Moreover, the CBA states that, because audience measurement services have four- or six-letter fields for call signs in their computer databases, they cannot accept the five-character call signs used to identify low power television stations. Consequently, CBA contends, the viewing of low power television stations is not accurately reported to audience measurement services. In addition, complaints over the years from low power television broadcasters have voiced similar concerns as the CBA regarding the five-character call sign.

22. In light of these concerns, we believe that it may be appropriate to amend our rules to provide for the assignment of four-letter call signs to low power television stations. We believe that such action may be beneficial to an industry that already faces a significant competitive disadvantage due to its secondary status and its much smaller station viewing areas. It may also reduce confusion caused to viewers who are accustomed to identifying television stations by four-letter call signs. Further, we believe that the assignment of four-letter call signs would not significantly increase the administrative burden on the Commission, or exhaust the number of available call signs.²²

23. We propose that requests for low power television call signs be handled in a manner similar to that for full service television. For instance, the "first-come-first-served" policy under Section 73.3550 would apply.²³ Accordingly, a request for an available call sign would be entertained on behalf of the first licensee who requests it. In cases where two requests for one call sign are received on the same day, the assignment would be made to the station having the longest continuous record of broadcasting operation under substantially unchanged ownership and control. Further, we would not allow low power television licensees to apply for a call sign currently in use in another broadcast service unless the stations are commonly owned, or the requesting party has the written consent of the licensee of the station whose call sign is sought. In addition, we propose to append a distinctive suffix, such as "LP", to any four-letter call signs issued to low power television stations. The insertion of these letters following the call sign should avoid any confusion with full service television stations. For purposes of determining eligibility for the proposed four-letter call signs, we request comment on the merits of two options.

24. *Option 1.* Under the first option, as proposed by the CBA, only low power television stations which have met certain threshold requirements would be entitled to apply for four-letter call signs. These requirements would include a minimum number of hours of operation as well as a certain amount of locally originated programming. Under the CBA's proposal, these stations would also have to

comply with nonengineering rules applicable to full service television stations such as those involving multiple ownership, children's programming and maintenance of a studio and local public file. In requesting a call sign, licensees would certify that they had complied with the requirements. Under the CBA's approach, a review mechanism would be established to ensure ongoing compliance with these requirements.

25. *Option 2.* Under the second option, which we are inclined to favor, all licensed low power television stations would be entitled to apply for four-letter call signs, irrespective of their compliance with the nonengineering rules applicable to full service television stations. Under this approach, construction permits for low power television stations would continue to be assigned the current five-character call sign. However, upon applying for a license, a low power television station would then become eligible to receive a four-letter call sign.²⁴ An advantage of this option is that it would not establish a programming-based eligibility standard that would bring about the complications of administering a review system. Moreover, we see no reason to condition four-letter call sign availability on compliance with what may be unduly burdensome requirements for the LPTV service, especially since enforcing those requirements could involve substantial administrative costs.

26. We seek comment on the approaches discussed herein. We seek comment as to whether low power television licensees, in general, should be eligible to apply for four-letter call signs. We are interested in what effect this proposed policy would have on the low power television industry, as well as what effect, if any, it would have on full service television broadcasters. Finally, we request any other suggestions which might assist us in implementing the assignment of standard broadcast call signs to low power television stations.

PROCEDURAL MATTERS

27. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth in Appendix A. We request written public comments on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this *Notice*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Para. 603(a) of the Regulatory Flexibility Act, P.L. No. 96-354, 94 Stat 1164, 5 USC Section 601 *et seq.* (1981).

²¹ Section 74.783(d) provides that call signs for low power television stations "will be made up of the initial letter K or W followed by the channel number assigned to the station and two additional letters." 47 CFR Section 74.783(d).

²² Our records show that there are ample call signs available. While there are a total of over 35,000 four-letter call signs, more than 14,000 remain unassigned. Currently there are 1250 li-

censed LPTV stations.

²³ See 47 CFR Section 73.3550(h).

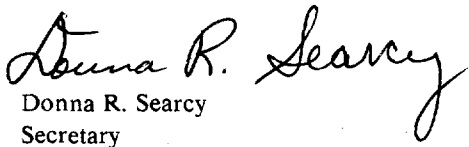
²⁴ Because some low power television construction permits never become operational, we believe that, at a minimum, only licensed low power television stations should be able to apply for these call signs.

28. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 CFR Sections 1.1202, 1.1203 and 1.206(a).

29. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 CFR Sections 1.415 and 1.419, interested parties may file comments on or before **June 18, 1993**, and reply comments on or before **July 16, 1993**. Extensions of these time periods are not contemplated. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send your comments to Office of Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center of the Federal Communications Commission, 1919 M Street, N.W., Room 239, Washington, D.C. 20554.

30. For further information on this proceeding, contact Keith Larson or Ray White, Low Power Television Branch, Mass Media Bureau (202) 632-3894.

FEDERAL COMMUNICATIONS COMMISSION


Donna R. Searcy
Secretary

APPENDIX A

Initial Regulatory Flexibility Analysis

Pursuant to the Requirements of the Regulatory Flexibility Act of 1980, the Commission finds as follows:

Reason for Action. The Commission is initiating this rulemaking to consider whether to make its low power television and television translator rules more lenient with respect to: the acceptance and amendment of defective applications; the definition of major change applications; and the assignment of four-letter call signs. Consideration of these changes is prompted by recent favorable changes in the quality and quantity of these applications and in response to a petition for rulemaking by the Community Broadcasters Association.

Objectives. The Commission seeks public comment on its tentative conclusions that the strict complete and sufficient processing procedures are no longer necessary; that a relaxed definition of major changes will allow operators increased flexibility to make facilities changes without having to await a filing window, and thereby expedite service to the public; and that four-letter call signs will be beneficial to the LPTV industry by enhancing viewer recognition.

Legal Basis. The proposed action is authorized under Sections 4(i), 4(j), 301 and 303(r) of the Communications Act of 1934, as amended, 47 USC Sections 154(i), 154(j), 301 and 303(r).

Reporting, Recordkeeping and Other Compliance Requirements. No new requirements.

Federal Rules which overlap, duplicate, or conflict with this rule. None.

Description, potential impact, and number of small entities involved. The Commission believes that the adoption of the proposals set forth in this *Notice* would benefit small entities interested in acquiring new low power television and television translator licenses and small entities already licensed for low power television and television translator facilities who wish to modify their current authorizations.

The proposal would also allow such applicants a limited opportunity to amend defective applications to correct errors.

Any significant alternatives minimizing the impact on small entities and consistent with the stated objectives. The *Notice* solicits comments on alternatives.

APPENDIX B

Present and Proposed Criteria for Bounding Minor Changes

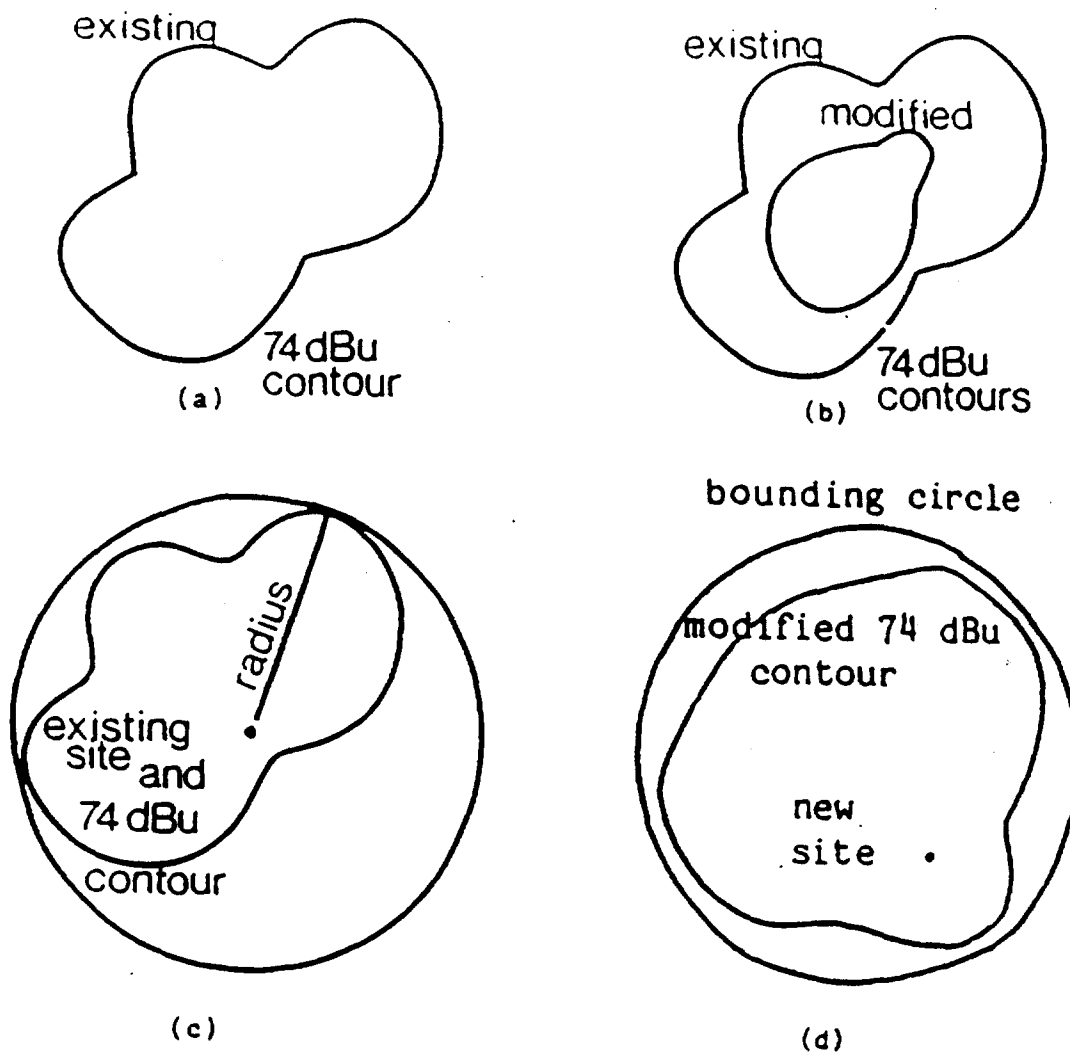


Illustration of present and proposed bounds for minor changes: (a) existing protected 74 dBu contour of UHF station. (b) present criterion - modified protected contour bounded by existing protected contour. (c) proposed criterion - bounding circle determined from existing protected contour and (d) modified protected contour (footprint) resulting from minor changes contained within bounding circle.